
REQUEST FOR PROPOSALS
to
The Utah State Legislature

Issued by:

The Office of Legislative Research and General Counsel



CELL PHONES, CELL PHONE SERVICE, AND DATA SERVICE

2009-01

I. RFP CONTACT

The Office of Legislative Research and General Counsel (OLRGC), a staff office of the Utah Legislature, is the issuing office for this RFP and all subsequent addenda to this RFP. Inquiries regarding this RFP should be directed, by email, to:

Thomas R. Vaughn
Associate General Counsel
Office of Legislative Research and General Counsel
Email: tomvaughn@utah.gov
(801) 538-1032

II. DEFINITIONS

As used in this RFP:

1. "LEGISLATURE" means the Utah State Legislature, its members, staff, staff offices, and all employees and agents of the Utah State Legislature and of its staff offices.
2. "OLRGC" means the Office of Legislative Research and General Counsel, a staff office of the Utah State Legislature.
3. "RFP" means this Request for Proposals to the Utah State Legislature for "cell phones, cell phone service, and data service 2009-01."

III. PURPOSE OF REQUEST FOR PROPOSALS

The purpose of this Request for Proposals (RFP) is to enter into a contract with a qualified person or entity to acquire cell phones and to obtain reliable, high quality cell phone services and data services, consistent with the highest industry standards, from a reliable person or entity at the lowest cost possible. The cell phones and services sought are more fully described in Section "V" of this RFP. The cell phones and services will be provided to each member of the Utah State Legislature and to multiple employees of the Utah State Legislature and its staff offices.

IV. QUALIFICATIONS

A person or entity responding to this RFP must be able to satisfy OLRGC of the person's or entity's ability, expertise, and experience to provide the cell phones and services described in this RFP.

V. SPECIFICATIONS

1. CELL PHONES

- a. Cell phones offered under this RFP must be BlackBerry devices with the following:
 - i. QWERTY keyboard
 - ii. SMS/MMS text messaging capable
 - iii. GPS navigation capable
 - iv. Bluetooth 2.0 capable
 - v. Voice dialing capable
 - vi. BlackBerry operating system, capable of interfacing with the LEGISLATURE's system through the State's BlackBerry Enterprise Servers, including the LEGISLATURE's email system, calendars, and address books
 - vii. Call-forwarding and call-waiting capable
 - viii. Conference-calling capable
 - ix. Tethering capable
 - x. Speaker phone
 - xi. Included accessories: battery, holster with belt clip, home charger, and car charger
 - xii. Warranty that includes phone replacement for at least one year from the date of acquisition
 - xiii. Ability to utilize 2G network or better
- b. The LEGISLATURE is seeking to acquire approximately 202 of the phones described in Section "V.1.a" of this RFP, with the option to acquire more phones during the term of the contract on the same or better terms than the terms under which the approximately 202 initial phones are acquired.
- c. Greater consideration will be given to cell phones with:
 - i. The ability to utilize 3G network or better

2. SERVICE

- a. The service for the cell phones must provide the following:
 - i. Statewide and nationwide coverage for voice and data services, including email, internet, and SMS/MMS text messaging
 - ii. 2G network or better
 - iii. Voicemail

- iv. Voice and data coverage throughout the capitol campus, including basements and parking lots
 - v. Free nationwide roaming for voice and data services
 - b. Greater consideration will be given to service that provides the following:
 - i. 3G network
 - ii. GPS navigation
 - iii. Free forwarding of calls from cell phones
- 3. PLAN
 - a. The plan must be provided at a flat monthly rate per cell phone and must include the following:
 - i. Unlimited (or a very high number of pooled minutes) voice and data services, including email, internet, and SMS/MMS text messaging, on a statewide and nationwide basis
 - ii. Unlimited (or a very high limit) SMS/MMS text messaging
 - iii. No roaming charges, statewide and nationwide
 - iv. Voice mail, call waiting, and call forwarding
 - v. Conference calling
 - b. Greater consideration will be given to plans that include the following:
 - i. Tethering or air-cards, included in the plan or offered at a competitive additional price
 - ii. Free mobile to mobile minutes
 - iii. Free caller ID blocking
 - iv. Free phone upgrades on an annual or bi-annual basis
 - v. International roaming, calling, and data packages, included in the plan or offered at a competitive additional price
- 4. OTHER REQUIREMENTS
 - a. Proposer must also provide the following:
 - i. Billing that does not include or identify any of the following:
 - A. Phone numbers or people called.
 - B. Phone numbers or people from which calls were received.

- ii. Billing that does not include information that would identify websites visited, SMS/MMS text messaging numbers or people to which information was sent or from which information was received, or other identifiable electronic addresses to which information was sent or from which information was received.
- iii. Prohibit access by LEGISLATURE or any other person or entity to information that discloses:
 - A. Phone numbers called or phone numbers from which calls were received.
 - B. Information that would identify websites visited, SMS/MMS text messaging numbers to which information was sent or from which information was received, or other identifiable electronic addresses to which information was sent or from which information was received.
- iv. Allow LEGISLATURE to determine which cell phones incurred charges above the flat monthly rate, without disclosing the information prohibited under Section "V.4.a.iii" of this RFP, but allowing the LEGISLATURE to determine general categories of charges to particular cell phones, such as: "international roaming," "international calling," "411," etc.
- v. Block access to websites and other services, except 411 service, that permit downloads or extra service charges to be made to a cell phone instead of a credit card.
- vi. Port LEGISLATURE's existing wireless phone numbers to the new phones acquired under this RFP, free of charge. Port other numbers, as requested by the LEGISLATURE to the new phones, free of charge. Not all numbers to be ported are based in the Salt Lake City area.
- vii. Free phone activation, free phone termination, and free number porting.
- viii. The ability to add phones to the calling plan on the same terms (or better terms) as the original approximately 202 phones placed on the plan.
- ix. Toll-free maintenance and technical support on a 24-hour per day, seven-day per week, basis.
- x. Upon award of a contract under this RFP, the successful proposer must be flexible and work with LEGISLATURE to provide a smooth,

uninterrupted transition from LEGISLATURE's current phone and data system to the new phone and data system provided to the LEGISLATURE by the proposer.

- b. Greater consideration will be given to a response that:
 - i. Allows LEGISLATURE to deactivate phone lines, without a fee or penalty, if the deactivation is due to a reduction in workforce.
 - ii. Provides a few extra phones, batteries, battery covers, home chargers, car chargers, and/or holsters with belt clips, all free of charge or at a substantially reduced price, that the LEGISLATURE can keep on hand for immediate replacement of lost or damaged equipment.
 - iii. Provides extra items, free of charge or at a substantially reduced rate, such as BES software and client licenses.
 - iv. Provides the best and widest coverage area within Utah.
 - v. Provides that cell phones will be delivered to LEGISLATURE fully charged, with the assigned person's name and number printed on the outside of the box.

VI. DESCRIPTION OF CURRENT SYSTEM

The LEGISLATURE currently has approximately 202 BlackBerry Bold phones that interface with the LEGISLATURE's system, including, but not limited to, the LEGISLATURE's email system (Groupwise), address book system, and calendaring system, through the state's BES servers. Phone and data service is currently provided by AT&T.

VII. ANTICIPATED TIMELINE

It is anticipated that the following timeline will be followed with respect to this RFP and the resulting contract (all times are MST):

RFP Opening Date: September 18, 2009, at 9:00 a.m.

Final Date for Submission of Questions: October 9, 2009, at 3:00 p.m.

Final Date for Addenda (responding to questions) to RFP: October 16, 2009, at 3:00 p.m.

RFP Closing Date: October 30, 2009, at 3:00 p.m.

Opening of Responses to RFP: November 2, 2009, at 9:00 a.m.

Oral Presentations (if necessary): November 9, 2009, at 9:00 a.m.

Consideration of, and Award of, Contract: November 11, 2009, at 9:00 a.m.

Approximated Date of Switch to New Plan and Service: December 10, 2009.

Addenda adjusting the above dates, or to comply with Section "XVII.2" of this RFP, may be issued at any time, including after October 16, 2009.

VIII. SUBMISSION OF PROPOSALS

1. SUBMISSION TIME, PLACE, AND MANNER

Ten written copies of the proposal and one electronic copy (in PDF format) must be received at the following address on or before October 30, 2009, at 3:00 p.m. MST:

Attention: Thomas Vaughn
Associate General Counsel
Office of Legislative Research and General Counsel
Utah State Capitol Complex
W210 House Building
Salt Lake City, Utah 84114

2. LATE SUBMISSIONS

Proposals received after October 30, 2009, at 3:00 p.m. MST will not be considered.

IX. ORGANIZATION OF PROPOSAL

The proposal must include the following information and must be organized and tabbed, with labels for the following sections, in the following order:

1. PROPOSER INFORMATION

The first page of the proposal must include the following information, in the following format:

- a. Title: "Response to Cell Phones, Cell Phone Service, and Data Service RFP 2009-01"
- b. Proposer Summary Information:
 - Name:
 - Contact Person:
 - Address:
 - Telephone:
 - Fax:
 - Email:
 - Federal Tax ID Number:

c. Description of Organization of the Proposer:

Describe your organization, location of offices, website, financial stability, and key personnel that will work with the LEGISLATURE regarding the subject matter of this RFP.

d. List of Owners:

Describe the ownership of the proposer's organization.

e. References:

Describe the proposer's qualifications, abilities, and experience that will enable the proposer to fulfill the requirements of this RFP.

2. EXECUTIVE SUMMARY

A one or two page executive summary that briefly describes the essence of the proposal and highlights the major features of the proposal. Proprietary information requests should be made in this section.

3. DETAILED RESPONSE

This section constitutes the major portion of the proposal and must include the following information:

- a. A complete narrative of the proposer's assessment of the equipment and services to be provided by the proposer under this RFP, the work the proposer needs to accomplish in order and fulfill the requirements of this RFP, and a schedule, including deadlines, indicating when this work will be completed.
- b. A description of the proposer's understanding of the overall purposes and requirements of this RFP.
- c. A clear description of any proposed options or alternatives for fulfilling the purposes and requirements of this RFP.
- d. A specific point-by-point response to each requirement of this RFP, in the order the requirement is listed in this RFP, including a statement that the proposer agrees to comply with that requirement. A response to this RFP that fails to clearly respond to, and agree to comply with, each requirement of this RFP may be determined to be non-responsive and invalid.

- e. A proposed work plan that includes a basic plan and time schedule identifying the activities that must occur in order to fulfill the requirements of this RFP.
- f. An assessment of, and evidence supporting, the proposer's ability and commitment to accomplish the purposes and requirements of this RFP.
- g. A complete description of all terms and conditions upon which acquisition of the cell phones described in this RFP, and the services provided under this RFP, will be provided to the LEGISLATURE.
- h. A detailed description of proposer's voice and data coverage within the state of Utah. This description must specify the coverage available in rural areas of Utah and state whether a local number may be provided for the cell phone in each rural area. Proposer must also provide a description of proposer's national and international coverage.
- i. One active cell phone, for each type of cell phone being offered by the proposer, that complies with the requirements described in Section "V.1.a." of this RFP, at no charge for use or service, to the LEGISLATURE with proposer's response, to permit LEGISLATURE to test the voice and data coverage provided by the proposer. The cell phone will be returned to the proposer after the contract is awarded. If proposer is offering tethering capability or air card services, proposer shall provide, with proposer's response, activated equipment for use by LEGISLATURE, at no charge for use or services, to allow LEGISLATURE to test these services.
- j. A description of proposer's maintenance and technical support services and processes.
- k. Describe the warranty for the cell phones, battery, battery cover, home charger, wall charger, and holster with belt clip.

4. PROPOSED CHARGES

A detailed, enumerated list of charges that pertain to the cell phones, each service relating to the cell phones, and all other services, requirements, and options described in this RFP or proposed in the response to this RFP.

5. CONFLICTS

The proposer shall include a signed statement indicating that the proposer has no relationship with any person or entity that would directly or indirectly interfere with fair competition for an award under this RFP.

X. OTHER REQUIREMENTS

The proposer's name must appear on each page of the proposal. Erasures, cross-outs, alterations, corrections, or other changes must be initialed by the person who signs the proposal. The proposal must contain evidence that the person who signs the proposal is authorized to bind the proposer to fulfill the proposal and to conduct negotiations and discussions relating to the proposal on the proposer's behalf.

XI. CONTRACT

The successful proposer will be required to enter into a contract that incorporates the requirements of this RFP, the proposer's response to this RFP, and other standard contract terms. The proposer is, and will be, required to indemnify the LEGISLATURE for any liability arising from the actions or failure to act of the proposer, or the proposer's officers, employees, or agents in relation to this RFP and any contract awarded to the proposer as a result of this RFP. It is anticipated that the initial term of the contract will be for one year, with an option to renew for additional years or to continue on a month-to-month basis.

XII. PROPOSAL AND PRICE GUARANTEE PERIOD

Each proposal submitted in response to this RFP, and the prices included therein, are binding on the proposer from the date and time of the closing of this RFP until the later of March 10, 2010, at 3:00 p.m. MST, or, if the proposer's proposal is accepted, upon completion of the requirements and services that the proposer is required to provide under this RFP and the resulting contract.

XIII. ORAL PRESENTATIONS

The Utah Legislature may require each proposer, at the proposer's expense, to appear at a committee meeting to make an oral presentation of, and answer questions regarding, the proposer's response to this RFP. If necessary, the meeting for this presentation will be held on November 9, 2009 at 9:00 a.m., MST.

XIV. QUESTIONS

Questions, requests for changes to this RFP, and requests for clarification must be submitted by email to tomvaughn@utah.gov on or before October 9, 2009, at 3:00 p.m. MST. The subject line of each email must read as follows: "Cell Phones, Cell Phone Service, and Data Service RFP 2009-01." Failure to use this subject line may result in the question not being answered. Receipt of each email will be acknowledged by return email within one business day of receipt. If acknowledgment is not received within this time period, call the RFP contact by telephone. Responses to substantive questions, responses to requests for clarification, and responses to requests for changes will be provided in the form of an addendum to this RFP.

XV. ADDENDA

All addenda to this RFP will be posted on the Utah Legislature's website at:

<http://le.utah.gov/>

Addenda and notifications of addenda are not required to be provided in any other manner. All proposers, potential proposers, and other interested persons are required to check the website on a regular basis in order to receive notice of, or a copy of, any addendum.

The OLRGC may attempt to, but is not required to, provide email notification of an addendum to any person who sends a request to receive notification to:

tomvaughn@utah.gov

Each proposer is required to acknowledge receipt of each addendum by email to:

tomvaughn@utah.gov

XVI. PROTECTED INFORMATION

Protection or disclosure of information submitted in response to this RFP is governed by Title 63G, Chapter 2, Government Records Access and Management Act. A proposer who desires to request protected status of any information submitted in the proposer's response to this RFP must specifically identify the information that the proposer desires to protect and the reasons that the information should be afforded protected status under the law. In making this request, the proposer shall comply with the requirements of Utah Code Section 63G-2-305, Utah Code Section 63G-2-309, and all other applicable requirements of law. OLRGC's decision regarding the protected status of information shall be final and binding on the proposer. Each proposer will indemnify, defend, and hold forever harmless, the LEGISLATURE from any and all liability relating to the disclosure of information included in the proposer's response to this RFP, even if the proposer requested protected or other confidential status for the information.

XVII. MODIFICATIONS TO, OR WITHDRAWAL OF, PROPOSAL

1. PROCEDURE

A proposer may modify or withdraw the proposer's response to this RFP at any time before the closing date and time of this RFP, by providing a written modification or a written statement withdrawing the proposal to OLRGC. Except as provided in Section "XVII.2" of this RFP, modifications or letters of withdrawal received by the OLRGC after the closing date and time for this RFP will be rejected as invalid. Except as provided in Section "XVII.2" of this RFP, the version of a response to this RFP, as it

exists at the closing date and time of this RFP, will be binding on the proposer.

2. EXCEPTION

Discussions may be conducted with offerors (proposers) who submit proposals determined to be reasonably susceptible of being selected for award, but proposals may be accepted without discussions. Pursuant to Utah Code Subsection 63G-6-408(5)(b), ". . . revisions may be permitted after submissions and before the contract is awarded for the purpose of obtaining best and final offers." Pursuant to Utah Code Subsection 63G-6-408(5)(c), "[i]n conducting discussions, there shall be no disclosure of any information derived from proposals submitted by competing offerors." Revisions to proposals after the closing date and time of this RFP may only be permitted by written permission of the RFP contact. Each proposer will receive equal treatment. If OLRGC decides to enter into discussions with offerors after the closing date of this RFP, but before award of the contract, OLRGC will inform each proposer who submitted a timely, valid proposal of the schedule for these discussions and procedures for submission of a revised proposal.

XVIII. COST OF RESPONDING TO RFP

All expenses relating to responding to this RFP, including preparing, submitting, and presenting a proposal, attending meetings in relation to this RFP, and all travel, dining, lodging, and communication expenses will be borne by the proposer. The LEGISLATURE assumes no liability for any costs incurred by a proposer in responding to this RFP.

XIX. RESEARCH REGARDING PROPOSER

The LEGISLATURE reserves the right to conduct a background check of each person or entity that may assist in providing services under a response to this RFP to determine the person's fitness and qualifications to fulfill the requirements of this RFP. OLRGC may reject any response to this RFP that involves services from a person or entity that the OLRGC determines is unfit or unqualified to fulfill the requirements of this RFP. Upon request by OLRGC, proposer shall obtain, at proposer's expense, a criminal background check from the Utah Department of Public Safety, Bureau of Criminal Investigation for the proposer, each officer of the proposer, and each person associated with the proposer who will perform the work described in this RFP. Proposer will provide OLRGC with the results of each criminal background check obtained at the request of OLRGC.

XX. PROPOSAL EVALUATION CRITERIA

OLRGC will evaluate each response to this RFP and will award the contract. OLRGC will evaluate each proposer and each response to this RFP, based on the following factors:

Points	Criteria
40	The qualifications, level of expertise, ability, infrastructure, and experience of the proposer that will enable the proposer to most effectively fulfill the purposes and requirements of this RFP.
40	The costs for the cell phones and the services described in this RFP.
20	The optional services and features offered in response to this RFP and the costs for those services and features.

XXI. MISCELLANEOUS RESERVATION OF RIGHTS

The LEGISLATURE reserves the right to not award a contract to any of the proposers who respond to this RFP, to cancel this RFP at any time, or to issue a new RFP for the same or similar services. The LEGISLATURE reserves the right to reject and not consider any response to this RFP that does not strictly comply with the requirements of this RFP or with the requirements of law.

XXII. RESTRICTIONS ON PUBLICITY

The successful proposer may not make any announcement regarding the award of the contract relating to this RFP without the prior written approval of the OLRGC. Except as specifically authorized in the contract, the successful proposer may not refer to the LEGISLATURE or use any data, pictures, or other representation of the LEGISLATURE in its advertising, marketing, or other promotional efforts.

XXIII. DEVIATIONS AND EXCEPTIONS

The proposer shall describe, in writing, any deviations or exceptions from the requirements, terms, and conditions of this RFP. This description shall be in a separate document that is attached to the proposer's response to this RFP and is signed by the proposer or the proposer's authorized agent. In the absence of such a document, the proposal shall be interpreted to agree to the requirements, terms, and conditions of this RFP and the proposer shall be held liable for any deviations therefrom.

XXIV. CHOICE OF LAW

This RFP, all proceedings, actions, or other matters related to this RFP, and the contract that results from this RFP are governed by, and will be interpreted under, Utah law.

XXV. OPENING OF PROPOSALS

Proposals will be opened publicly, identifying only the names of the offerors. The location of the proposal opening will be posted at the following website at least 24 hours before the opening occurs:

<http://le.utah.gov/>